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Attorney for Non-Party OPENDORSE, INC.

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

IN RE COLLEGE ATHLETE NIL  
LITIGATION

Case No. 4:20-cv-03919-CW

**STATEMENT OF NON-PARTY  
OPENDORSE, INC. REGARDING  
JOINT ADMINISTRATIVE OMNIBUS  
MOTION TO SEAL**

Trial Date: 2025-01-27  
Judge: Hon. Claudia Wilken

Pursuant to Civil Local Rule 79-5(f)(3), Non-Party Opendorse, Inc. files this Statement regarding that portion of the Joint Administrative Omnibus Motion to Seal (“Motion to Seal,” Dkt. 318). In support, Opendorse states as follows:

Opendorse is a technology company serving college and professional athletes in their efforts to understand, build, protect, and monetize their personal brands. Founded in 2012 by two former University of Nebraska-Lincoln football players, Opendorse is headquartered in Lincoln, Nebraska. Among other services, Opendorse provides an online marketplace to facilitate NIL deals between athletes and companies (or other organizations or individuals) wishing to utilize those athletes’ platforms to promote the company’s products, services, or causes.

Counsel for certain of the defendants in this matter recently advised Opendorse that the parties provisionally filed various documents under seal, with redacted versions available on the

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1 public docket. Counsel for the defendants stated that there were two instances of Opendorse-  
2 confidential information in the recent filing.

3 The first instance is in paragraph 264(a) in the Expert Report of Catherine Tucker, which  
4 states that “[REDACTED] has many reported third-party NIL deals because they partnered with  
5 [REDACTED] to encourage student-athletes to sign up on a new platform.” See Dkt. No. 251-1 at  
6 225. Opendorse does not object to the public disclosure of the information behind these redactions.

7 The second “redaction” that counsel for the defendants identified to Opendorse is the  
8 entirety of footnote 596 in the Expert Report of Catherine Tucker. This footnote provides a citation  
9 to a document purportedly reflecting confidential NIL transaction data received from various third  
10 parties, including Opendorse. See Dkt. No. 251-1 at 225. Based on the undersigned’s  
11 communications with counsel for Defendant Pac-12 Conference, it is Opendorse’s understanding  
12 that the document itself that is cited in footnote 596 has not been filed with the Court, publicly or  
13 otherwise. Thus, the question is whether Opendorse has an interest in keeping the citation to that  
14 document under seal. With this understanding, Opendorse states that it does not object to the  
15 unsealing of the text contained in footnote 596. Nevertheless, ***if the document cited in footnote***  
16 ***596 (or any other document containing Opendorse’s confidential information) is ever filed in***  
17 ***the future, Opendorse reserves the right to object to such document’s public disclosure.***

#### 18 CONCLUSION

19 In sum, because Opendorse does not believe either of the redactions discussed above  
20 implicates Opendorse confidential information, Opendorse does not object to their unsealing. By  
21 making this statement, however, Opendorse does not waive any of its rights under the protective  
22 order or its agreements with the parties with respect to protecting its confidential information in  
23 future filings or otherwise.

1 DATED: September 29, 2023.

**HILGERS GRABEN, PLLC**

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**CERTIFICATE OF SERVICE**

The undersigned certifies that a true and correct copy of the foregoing document has been served on this date to all current and/or opposing counsel of record via electronic mail.

I declare under penalty of perjury under the Laws of the United States of America that the above is true and correct.

DATED: September 29, 2023

**HILGERS GRABEN, PLLC**

By: /s/ Michael Merriman

Michael Merriman